IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUIT NO.3244 OF 2007
WITH
NOTICE OF MOTION NO.4529 OF 2007

Vasant Alias Vasantkumar Pranvallabh Cholera ..Plaintiff.
Vs.
Jitendra Pranvallabh Chowlera ..Defendant.

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Mr. Berjis Colabawala i/b Sonal Doshi & Co. for the Plaintiff.
Mr. N. J. Thakkar, Senior Advocate i/b Bhaishankar Kanga & Co.for the Defendant.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

5th December, 2007.

P.C. :

At the hearing of the Notice of Motion for interim relief, counsel appearing for the Plaintiff and the Defendant have agreed that the disputes which form the subject matter of the suit may be referred to arbitration of Mr. Justice M.S. Rane (Former Judge of this Court) who shall act as sole arbitrator, under Section 8 of the Arbitration and Conciliation Act, 1996. It has been stated on behalf of the Defendant that pending the disposal of the arbitration proceedings, the Defendant shall not alienate the properties more

particularly described in Exhibits A and B to the Plaint and shall not transfer any tenancy therein. The statement is accepted. The fees of the Learned Arbitrator have been agreed to be borne in equal proportion by the parties. In view of the aforesaid agreement between the parties, there shall be a reference to arbitration in the terms agreed. The Suit is accordingly disposed of.

In view of the disposal of the Suit, Notice of Motion 4529 of 2007 does not survive and shall accordingly stand disposed of.

It would be open to the parties to apply before the Arbitrator for such further interim protection as they are advised to seek.